

1 Jeanette E. McPherson, Esq., NV Bar No. 5423
 2 Schwartzer & McPherson Law Firm
 2850 South Jones Blvd., Suite 1
 3 Las Vegas, Nevada 89146-5308
 4 Telephone: (702) 228-7590
 Facsimile: (702) 892-0122
 5 E-Mail: bkfilings@s-mlaw.com

6 *Attorneys for Yvette Weinstein, Trustee*

7 **UNITED STATES BANKRUPTCY COURT**
 8 **DISTRICT OF NEVADA**

9 In re:

10 LIONEL SAWYER & COLLINS, LTD.,

11 Debtor

12 YVETTE WEINSTEIN, TRUSTEE,

13 Plaintiff,

14 v.

15 RORY REID,

16 Defendant.

Case No. BK-S-15-10462-MKN

Chapter 7

Adversary No.

**COMPLAINT FOR AVOIDANCE OF
PREFERENCE PAYMENTS AND
FRAUDULENT TRANSFERS**

17 Yvette Weinstein, Trustee (the "Trustee"), the Chapter 7 trustee in the above-captioned
 18 case, by and through her counsel, Schwartzer & McPherson Law Firm, hereby files this Complaint
 19 For Avoidance Of Preference Payments And Fraudulent Transfers and alleges and avers as
 20 follows:

21 **PARTIES**

22 1. Plaintiff Yvette Weinstein is the Chapter 7 Trustee of the bankruptcy estate of
 23 Lionel Sawyer & Collins, Ltd. (the "Debtor").

24 2. Upon information and belief, Defendant Rory Reid ("Defendant") is and was at all
 25 times relevant herein, a resident of Clark County, Nevada.

26 **JURISDICTION AND VENUE**

27 3. The Court has jurisdiction over this complaint pursuant to 28 U.S.C. §§ 1334 and
 28 157 and 11 U.S.C. §§ 544, 547, 548, and 550 and NRS 112.180.

4. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(F) and (H).
5. Venue is proper pursuant to 28 U.S.C. § 1409.

GENERAL ALLEGATIONS

6. The Defendant was a shareholder of the Debtor and held stock of the Debtor.
7. The Defendant was a director of the Debtor.
8. The Defendant terminated his relationship with the Debtor.
9. Upon information and belief, the Defendant was a party to a stock purchase agreement whereby the Debtor agreed to purchase the stock of a shareholder due to the termination of the shareholder's employment.

10. The Debtor made transfers to the Defendant for the purchase of the Defendant's stock as follows:

<u>Check No./Date</u>	<u>Amount</u>	<u>Date Check Honored</u>
120007/July 3, 2014	\$26,400.00	July 15, 2014
120464/September 3, 2014	\$ 6,930.00	September 10, 2014
120727/October 6, 2014	\$ 3,788.89	November 12, 2014
120955/November 3, 2014	\$ 3,764.44	November 12, 2014
Total	\$40,883.33	

(collectively, the “Transfers”). True and correct copies of the Transfers are attached hereto as **Exhibit 1**.

11. On January 30, 2015, the Debtor filed for relief under Chapter 7 of the Bankruptcy Code (the “Petition Date”).

12. The Trustee and Defendant entered into a tolling agreement providing for an extension of time to file an action under 11 U.S.C. §§ 544, 547, 548, and 550 until on or before April 14, 2017.

FIRST CLAIM FOR RELIEF
(11 U.S.C. § 547)

13. The Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs and incorporates the same as if fully set forth herein.

14. The Transfers were of an interest of the Debtor in property.

15. The Transfers were made to or for the benefit of a creditor, the Defendant.

16. The Transfers were made for or on account of an antecedent debt owed by the Debtor before the Transfers were made.
17. The Transfers were made while the Debtor was insolvent.
18. The Transfers were made within one year of the Petition Date.
19. The Transfers were made to the Defendant who is an insider.
20. The Transfers enabled the Defendant to receive more than he would have received if the Transfers had not been made and the Defendant had received payment of such debt to the extent provided by the provisions of this title.

9 21. The Plaintiff is entitled to a money judgment against the Defendant in the amount
10 of the fair market value of the Transfers, or avoidance of the Transfers, in accordance with 11
11 U.S.C. §§ 547 and 550.

SECOND CLAIM FOR RELIEF
(11 U.S.C. § 548(a)(1)(B))

22. The Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs and incorporates the same as if fully set forth herein.

23. The Transfers were of an interest of the Debtor in property.

24. The Transfers were made within two years before the Petition Date.

25. The Debtor had a creditor(s) as of the date of the Transfers.

26. The Debtor made the Transfers without receiving reasonably equivalent value in exchange for the Transfers.

27. The Debtor was insolvent on the date that such Transfers were made, or became insolvent as a result of such Transfers.

28. The Debtor was engaged in business or a transaction, or was about to engage in a business or a transaction, for which any property remaining with the debtor was an unreasonably small capital

29. The Debtor intended to incur, or believed or reasonably should have believed that the Debtor would incur, debts beyond his ability to pay as they became due or matured

30. The Plaintiff is entitled to a money judgment against the Defendant in the amount

of the fair market value of the Transfers, or avoidance of the Transfers, in accordance with 11 U.S.C. §§ 548(a)(1)(B) and 550.

THIRD CLAIM FOR RELIEF
(11 U.S.C. § 544; NRS 112.180(1)(b))

31. The Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs and incorporates the same as if fully set forth herein.
32. The Transfers were of an interest of the Debtor in property.
33. The Debtor had a creditor(s) as of the date of the Transfers.
34. The Transfers were made within four years of the Petition Date.
35. The Transfers were made by the Debtor without receiving a reasonably equivalent value in exchange for the Transfers.
36. The Debtor was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction.
37. The Debtor intended to incur, or believed or reasonably should have believed, that the Debtor would incur debts beyond his or her ability to pay as they became due.
38. The Plaintiff is entitled to a money judgment against the Defendant in the amount of the fair market value of the Transfers, or avoidance of the Transfers, in accordance with 11 U.S.C. §§ 544 and 550 and NRS 112.210.

FOURTH CLAIM FOR RELIEF
(11 U.S.C. § 550)

22 39. The Plaintiff repeats and realleges each and every allegation contained in the
23 preceding paragraphs and incorporates the same as if fully set forth herein.

40. Plaintiff is entitled to a judgment and order requiring and compelling Defendant to
return to the Plaintiff the amount of the Transfers.

26 WHEREFORE, the Plaintiff prays for judgment against the Defendant as follows:

- 27 1. For an order avoiding the Transfers;
28 2. For an award of damages in the fair market value or monetary sum of the Transfers;

- 1 3. For attorney's fees and costs of suit where appropriate;
- 2 4. For all other relief the Court deems just and proper.

3 DATED: April 13, 2017.

4 /s/ Jeanette E. McPherson

5 Jeanette E. McPherson, Esq.

6 Schwartz & McPherson Law Firm

7 2850 South Jones Blvd., Suite 1

8 Las Vegas, NV 89146

9 *Attorneys for Yvette Weinstein, Chapter 7 Trustee*

EXHIBIT “1”

120007 - \$26,400.00 - 7/15/2014

LIONEL SAWYER & COLLINS ATTORNEYS AT LAW 300 S. FOURTH STREET, SUITE 1700 LAS VEGAS, NV 89101 (702) 383-8888		120007 14-111024 712
Twenty-Six Thousand Four Hundred and No/100 Dollars		DATE 7/3/2014
PAY TO THE ORDER OF	RORY J REID 183 Harvard Court Henderson, NV 89074	AMOUNT \$26,400.00
		LIONEL SAWYER & COLLINS ATTORNEYS AT LAW <i>Rory Reid</i> ATM Financial Services 13959

120007 - \$26,400.00 - 7/15/2014

Ref: 226 Batch: 932517 Date: 07/14/14	For Rory Reid For DEPOSIT ONLY
See: 60226 07/14/14 DAT: 932517 CC: 33800008/71 WT: 81 LT99: Dallas, TX BC: Green Valley/Pebble SC NV1-106	

120464 - \$6,930.00 - 9/10/2014

120464
9-1791724
2528

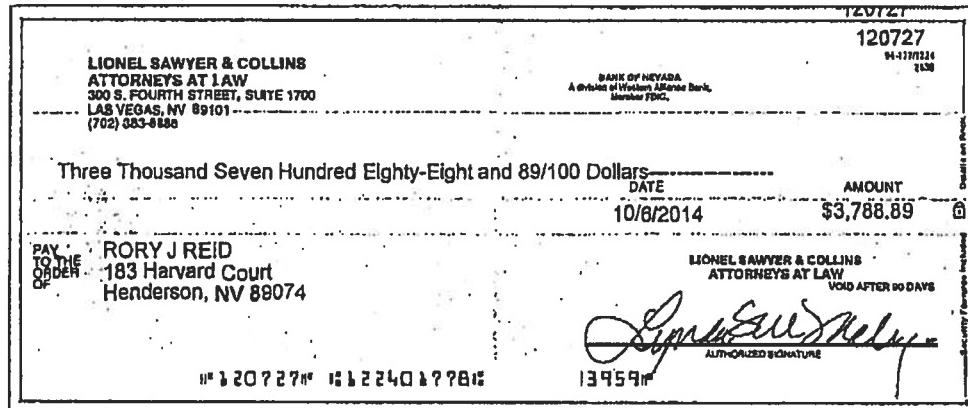
LIONEL SAWYER & COLLINS ATTORNEYS AT LAW 300 S. FOURTH STREET, SUITE 1700 LAS VEGAS, NV 89101 (702) 383-8889	BANK OF NEVADA A division of PNC Financial Services Group, Member FDIC.	120464 9-1791724 2528
Six Thousand Nine Hundred Thirty and No/100 Dollars		DATE 9/3/2014
		AMOUNT \$6,930.00
PAY THE ORDER OF RORY J REID 183 Harvard Court Henderson, NV 89074	LIONEL SAWYER & COLLINS ATTORNEYS AT LAW VOID AFTER 90 DAYS	Signature Purged or Replaced 39591 AUTHORIZED SIGNATURE
# 120464# 122240177812		

120464 - \$6,930.00 - 9/10/2014

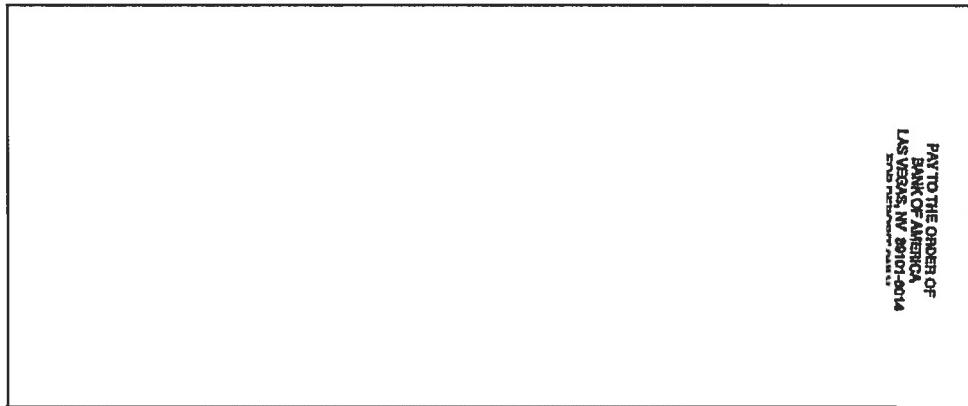
120464
9-1791724
2528

PAY TO THE ORDER OF
BANK OF AMERICA
LAS VEGAS, NV 89101-2614
FOR DEPOSIT ONLY
EIGHTY THREE LI

120727 - \$3,788.89 - 11/12/2014



120727 - \$3,788.89 - 11/12/2014



120955 - \$3,764.44 - 11/12/2014

LIONEL SAWYER & COLLINS ATTORNEYS AT LAW 300 S. FOURTH STREET, SUITE 1700 LAS VEGAS, NV 89101 (702) 383-8888		BANK OF NEVADA A division of Western American Bank, Member FDIC	120955 94-172724 2333				
<p>Three Thousand Seven Hundred Sixty-Four and 44/100 Dollars</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: right; width: 30%;">DATE</th> <th style="text-align: right; width: 40%;">AMOUNT</th> </tr> </thead> <tbody> <tr> <td style="text-align: right;">11/3/2014</td> <td style="text-align: right;">\$3,764.44</td> </tr> </tbody> </table>				DATE	AMOUNT	11/3/2014	\$3,764.44
DATE	AMOUNT						
11/3/2014	\$3,764.44						
PAY TO THE ORDER OF	RORY J REID 183 Harvard Court Henderson, NV 89074	LIONEL SAWYER & COLLINS ATTORNEYS AT LAW VOID AFTER 90 DAYS	<i>Chas McLean</i>				
# 120955# 012240177816		3959#	AUTHORIZED SIGNATURE				

120955 - \$3,764.44 - 11/12/2014

